

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	: CRIMINAL NO. _____
	: DATE FILED: _____
v.	: VIOLATIONS:
ANTHONY GAGLIARDI	21 U.S.C. § 846 (conspiracy to distribute
a/k/a “Tony Gags”	: cocaine - 1 count);
	21 U.S.C. § 841(a)(1) (possession of cocaine
	with intent to distribute - 1 count);
	21 U.S.C. § 846 (attempt to possess cocaine
	with intent to distribute - 2 counts); Notice
	of Forfeiture; Notice of additional factors.

INDICTMENT

COUNT ONE

(Conspiracy to Distribute Cocaine)

THE GRAND JURY CHARGES THAT:

1. From in or about March 2002, and continuing up to on or about
December 8, 2002, in the Eastern District of Pennsylvania and elsewhere, defendant

ANTHONY GAGLIARDI

conspired and agreed with Steven Carnivale, charged elsewhere, and others known and unknown
to the grand jury, to knowingly and intentionally distribute in excess of five kilograms of a
mixture or substance containing a detectable amount of cocaine, a Schedule II controlled
substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

2. ANTHONY GAGLIARDI distributed cocaine he received from Steven Carnivale to various persons known and unknown to the grand jury.

3. Carnivale delivered and arranged for the delivery of quantities of cocaine to ANTHONY GAGLIARDI on credit.

4. ANTHONY GAGLIARDI would sell the cocaine received from Carnivale to various customers, known and unknown to the grand jury, and subsequently pay Carnivale for the cocaine.

OVERT ACTS

In furtherance of the conspiracy, the defendant committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

5. In or about August or September 2002, on two separate occasions defendant ANTHONY GAGLIARDI received approximately one half ($\frac{1}{2}$) kilogram of cocaine for distribution.

6. On or about October 8, 2002 or October 9, 2002, defendant ANTHONY GAGLIARDI received approximately one-half ($\frac{1}{2}$) kilogram of cocaine for distribution.

7. On or about October 29, 2002, defendant ANTHONY GAGLIARDI arranged to possess for distribution approximately two (2) kilograms of cocaine from an approximate three (3) kilogram shipment of cocaine sent by Federal Express in a package shipped to Levittown, Pennsylvania.

8. On or about November 14, 2002, defendant ANTHONY GAGLIARDI received approximately one-half ($\frac{1}{2}$) kilogram of cocaine for distribution.

9. On or about November 18, 2002, defendant ANTHONY GAGLIARDI received approximately one-half ($\frac{1}{2}$) kilogram of cocaine for distribution.

10. On or about December 8, 2002, defendant ANTHONY GAGLIARDI had phone conversations with Steven Carnivale in an effort to possess for distribution approximately two (2) kilograms of cocaine from an approximate ten (10) kilogram shipment of cocaine from California.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

(Possession of Cocaine with Intent to Distribute)

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 8, 2002 or October 9, 2002, in the Eastern District of Pennsylvania, defendant

ANTHONY GAGLIARDI

knowingly and intentionally possessed with intent to distribute approximately 500 grams, that is approximately one-half ($\frac{1}{2}$) kilogram, of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THREE

(Attempt to Possess Cocaine with Intent to Distribute)

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 29, 2002, in the Eastern District of Pennsylvania, defendant

ANTHONY GAGLIARDI

knowingly and intentionally attempted to possess with intent to distribute 500 grams or more, that is approximately two (2) kilograms, of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a) and 841(b)(1)(B).

COUNT FOUR

(Attempt to Possess Cocaine with Intent to Distribute)

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 8, 2002, in the Eastern District of Pennsylvania, defendant

ANTHONY GAGLIARDI

knowingly and intentionally attempted to possess with intent to distribute 500 grams or more, that is approximately two (2) kilograms, of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a) and (841(b)(1)(B)).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. The defendant ANTHONY GAGLIARDI committed violations of Title 21, United States Code, Sections 841(a) and 846, as alleged in Counts One, Two and Three of this Indictment, which violations are punishable by imprisonment for more than one year.

2. As the result of the foregoing violations of Title 21, United States Code, Sections 841(a) and 846, the defendant ANTHONY GAGLIARDI shall forfeit to the United States of America:

(A) any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such violations of Subchapter I of the Controlled Substances Act; and

(B) any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations of Subchapter I of the Controlled Substances Act, including but not limited to a 1994 white Cadillac DeVille, VIN # 1G6KD52B1RU229417.

3. If any of the above-described forfeitable property, as the result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred, sold to, or deposited with a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; and
- (e) has been commingled with other property which cannot be

divided without difficulty;

then it is the intent of the United States to seek forfeiture, pursuant to Title 21, United States Code, Section 853(p), of any other property of the defendants up to the value of the assets and property described above.

In violation of Title 21, United States Code, Sections 841(a), 846 and 853.

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offense charged in Count One of this indictment,
defendant **ANTHONY GAGLIARDI**:
 - a. committed an offense and relevant conduct involving more than
five (5) but less than fifteen (15) kilograms of cocaine as described in U.S.S.G. § 2D1.1(c)(4).
 - b. committed the instant offense while under a criminal sentence, that
is, supervised release, as defined by U.S.S.G. § 4A1.1(d).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney